

REMARKS/ARGUMENTS

The examiner is thanked for the performance of a thorough search. By this amendment, Claims 1, 9-10, 22-23, 25-35, 37, 39-41, 46, 48, and 58-61 have been amended. Claims 15, 36, and 38 have been cancelled and no claims have been added. Hence, Claims 1-2, 4-14, 16, 21-23, 25-35, 37, 39-42, 46, 48-49, and 51-61 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Each issue raised in the Office Action mailed July 20, 2009 is addressed hereinafter.

I. ISSUES NOT RELATING TO CITED ART

A. ALLOWABLE SUBJECT MATTER

The Office Action indicates that Claims 9-10, 15, 30-31, 36, 40, 49, and 53-57 would be allowable if rewritten in independent form.

B. COMPUTER-READABLE MEDIUM CLAIMS

Computer-readable medium Claims 22-23, 25-35, 37, 41, 46, and 60-61 have been amended to incorporate the features of the claims from which each claim previously depended.

II. ISSUES RELATING TO CITED ART

A. CLAIMS 1-2, 7-8, 11-14, 16, 21-23, 28-29, 32-35, 37-39, 41-42, 46, 48, 51-52, AND 58-61

Claims 1-2, 7-8, 11-14, 16, 21-23, 28-29, 32-35, 37-39, 41-42, 46, 48, 51-52, and 58-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over “TIMBER: A native XML database” by Jagadish et al., The VLDB Journal (2002), published online December 19, 2002 (“Jagadish”) in view of U.S. Patent No. 6,901,403 to Bata, et al. (“Bata”). The rejection is rendered moot by the amendments made herein. Specifically, as shall be explained hereafter,

all rejected claims have been amended to recite subject matter that the Office Action explicitly identified as allowable.

As mentioned above, Claims 9-10, 15, 30-31, 36, 40, 49, and 53-57 were indicated by the Office Action to be allowable if rewritten in independent form. Claims 9, 10, 15, and 40 have been rewritten in independent form, and are therefore in condition for allowance. Specifically, Claims 9 and 10 have been amended to include all of the features of both Claims 1 and 8 prior to any current amendments. Also, Claim 40 has been amended to incorporate the features of Claim 38. Furthermore, independent Claims 1, 42, 48, 58, and 59 have been amended to incorporate the features of Claim 15. Independent Claims 22, 30, 31, 41, 46, and 61 are computer-readable storage medium counterparts to Claims 1, 9, 10, 40, 42, and 59.

Therefore, independent Claims 1, 9, 10, 22, 30, 31, 40, 41, 42, 46, 48, 58, 59, and 61 are patentable over the cited art. Claims 2, 7-8, 11-14, 16, 21, 23, 28-29, 32-35, 37-39, 51-52, and 60 depend either directly or indirectly from one of these independent claims, and are therefore patentable over the cited art for at least the same reasons as the independent claims from which they depend. Reconsideration is respectfully requested.

B. CLAIMS 4-6 AND 25-27

Claims 4-6 and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jagadish in view of Bata and further in view of U.S. Patent No. 7,113,936 to Michel, et al. (“Michel”). The rejection is moot in light of the present amendments. Specifically, Claims 4-6 and 25-27 depend either directly or indirectly from one of Claims 1 and 22. Thus, these dependent claims are patentable over Jagadish and Bata for at least the same reasons as those discussed in connection with Claim 1. Reconsideration is respectfully requested.

III. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, please charge our deposit account for the petition for extension of time fee. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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